

taining the rights of the States unimpaired, and in full vigor as essential to the preservation of liberty. These are the parties that have existed, and have come down to us, and we are divided upon precisely the same principle. From their different standpoints, men in all parts of the country have looked at the question; one party looking at the jealousy of the States and thinking it necessary to strengthen the arm of the Federal Government, and the other looking at the danger of consolidation and tyranny, and thinking it necessary to protect the States against the action of the Federal Government. It is the point upon which the parties have been divided, and upon which they are divided still.

Looking at this question, I maintain that it is a very great error to suppose that there are two governments here. The people of Maryland have but one government. The State government is its domestic government, for its domestic affairs. The government at Washington is as much its government as the home government. It is its agent, not exclusively I admit, but it is just as much its government, as though its own powers as a sovereign were not distributed to the two departments. The fact that it is the agent also of many other sovereign States, does not at all impair its power, or its authority, or its identity as a part of our government. The powers it exercises over Maryland are by the consent of the people of Maryland. The powers it exercises over the people of any other State are by the consent of the people of that State. There is really but one government. They are different departments of the same government. When this idea takes possession of the mind, and is run out to its logical consequences, gentlemen will see how easy it is to confound the idea of paramount and subordinate allegiance, by losing sight of the great fact that there is really but one, and that is the government of the people of the State in which the parties live. I know Mr. Webster held the doctrine that there are two governments, instead of two departments of the same government. Mr. Jefferson puts the matter in its true light in this extract:

"With respect to our State and Federal Governments, I do not think their relations are correctly understood by foreigners. They suppose the former *subordinate* to the latter. This is not the case. They are *co-ordinate departments of one simple and integral whole*. But, you may ask, if the two departments should claim each the same subject of power, where is the umpire to decide between them? In cases of little urgency or importance, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be *avoided* nor *compromised*, a Convention of the States must be called to ascribe the doubtful power to that department which they may think best."

And even Mr. Webster in his great speech, in 1830, in reply to Mr. Hayne, said:

"The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the General Government, so far the grant is unquestionably good, and the government holds of the people and not of the State governments. We are all agents of the same supreme power—the people. The General Government and the State governments derive their authority from the same source. *Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary.*"

There is the authority of Mr. Webster, the leader of the school of those who are for giving to the Federal Government every power that by any fair and legitimate construction can possibly be claimed for it. Mr. Webster did not claim any right of *paramount* allegiance to the General Government from the people of the States. He admitted that "neither can, in relation to the other, be called primary," or paramount. The government at Washington is but the agent of the people of the several States; and it is perfectly immaterial whether you say it was ordained by the States, or by the people of the States. Mr. Madison has shown that when the word "States" is used in reference to the formation of the Constitution of the United States, it means the people of the States. What else constitutes a State? I give the definition of a Greek, beautifully paraphrased by a British poet:

"What constitutes a State?  
Not high raised battlement, nor labored mound,  
Thick wall, nor moated gate,  
Not cities fair, with spires and turrets crown'd;  
Not bays and broad-armed ports,  
Where, laughing at the storm, rich navies ride!  
Not starred and spangled courts,  
Where low-bowed baseness wafts perfume to pride!  
No! men! high-minded men!  
Men who their duties know;  
But know their rights, and knowing dare maintain;  
Prevent the long-aimed blow,  
And crush the tyrant when they burst the chain—  
These constitute a State."

My learned friend from Anne Arundle (Mr. Miller) read a paragraph from Mr. Seward's despatch to Mr. Adams, dated April 10th,